## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

BUCKHEAD CITY COMMITTEE,	)
Plaintiff,	)
v.	) No. 1:22-cv-00234-SEC
CITY OF ATLANTA, GEORGIA,	)
Defendant.	) ) )

## RESPONSE TO MOTION TO DISMISS AND SUGGESTION OF MOOTNESS

Plaintiff hereby responds to Defendant's motion to dismiss (Dkt. No. 6).

- 1. Plaintiff timely filed an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). *See* Dkt. No. 13.
- 2. This Court has consistently recognized that the filing of an amended complaint "supersedes the original complaint, and thus renders moot a motion to dismiss the original complaint." *Southern Pilot Ins. Co. v. CECS, Inc.*, 15 F. Supp. 3d 1284, 1287 n.1 (N.D. Ga. 2013). *See also Thomas v. Alcon Labs.*, 116 F. Supp. 3d 1361, 1365 n.5 (N.D. Ga. 2013); *Williams v. First Communities Mgmt., Inc.*, 2015 WL 13776637, at \*1 (N.D. Ga. Sept. 29, 2015); *Sheppard v. Bank of Am., N.A.*, 2012 WL 3779106, at \*4 (N.D. Ga. Aug. 29, 2012); *Cordell v. Pacific Indemnity*, 2006 WL 1935644, at \*4 (N.D. Ga. July 11, 2006).

3. Therefore, Plaintiff respectfully requests that the Court enter an order finding Defendant's motion to dismiss the original complaint moot.

DATED this 18th day of April, 2022.

Respectfully submitted,

BY: WEBB, KLASE & LEMOND, LLC

/s/ E. Adam Webb

E. Adam WebbGeorgia Bar No. 743910G. Franklin Lemond, Jr.Georgia Bar No. 141315

1900 The Exchange, S.E. Suite 480 Atlanta, Georgia 30339 (770) 444-9325 (770) 217-9950 (fax) Adam@WebbLLC.com Franklin@WebbLLC.com

Attorneys for Plaintiff

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of April, 2022, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which automatically sends email notification of such filing to all attorneys of record.

/s/ G. Franklin Lemond, Jr.
G. Franklin Lemond, Jr.